

Docket No.: 000166.0096-US02
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lloyd P. Johnston et al.

Application No.: Continuation of 10/052,632

Group Art Unit: N/A

Filed: February 23, 2004

Examiner: Not Yet Assigned

For: SYSTEM FOR FILLING CONTAINERS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO/SB/08a/b are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO/SB/08a/b based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior

art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c)

more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐ c. Attached is our Check No. _____ including the amount of \$ 180.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i).
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:

- ☒ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. 10/052,632, filed January 23, 2002, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☒ 8. Copies of the documents were cited by or submitted to the Office in Application Nos. 10/052,632, filed January 23, 2002 and 09/642,666, filed August 22, 2000, which are relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08a/b, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0740, referencing Docket No. 00166.0096.US02.

Dated: February 23, 2004

Respectfully submitted,

By


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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Continuation of 10/052,632
				Filing Date	February 23, 2004
				First Named Inventor	Lloyd P. Johnston
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	000166.0096-US02

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-634,837	10-10-1899	Seely	
	AB	US-1,037,974	09-10-1912	Paraskovich	
	AC	US-3,192,964	07-06-1965	C.W. Vogt	
	AD	US-3,195,586	07-20-1965	C.W. Vogt	
	AE	US-3,260,285	07-12-1966	C.W. Vogt	
	AF	US-3,788,368	01-29-1974	Geng, et al.	
	AG	US-3,874,191	11-12-1974	Aronson	
	AH	US-3,874,431	04-01-1975	Aronson	
	AI	US-4,001,211	01-04-1977	Sarkar	
	AJ	US-4,283,901	08-18-1981	Schieser et al.	
	AK	US-4,297,828	11-03-1981	Krieger et al.	
	AL	US-4,341,244	07-27-1982	Facchini	
	AM	US-4,343,130	08-10-1982	Facchini	
	AN	US-4,501,307	02-26-1985	Moser, et al.	
	AO	US-4,640,322	02-03-1987	Ballester	
	AP	US-4,640,448	02-03-1987	Trechsel	
	AQ	US-4,671,430	06-21-1988	Dinius	
	AR	US-4,751,948	06-21-1988	Hertig et al.	
	AS	US-4,864,876	08-21-1990	Botzolakis et al.	
	AT	US-4,884,602	12-05-1989	Yamamoto, et al.	
	AU	US-4,949,766	03-26-1991	Coatsworth	
	AV	US-5,002,103	08-23-1994	Marescalchi	
	AW	US-5,209,044	05-11-1993	D'Addario et al.	
	AX	US-5,339,871	09-05-1995	Collins, et al.	
	AY	US-5,429,699	07-04-1995	Abrams et al.	
	AZ	US-5,447,183	09-05-1995	Derby	
	AA1	US-5,503,144	04-02-1996	Bacon	
	AB1	US-5,549,144	08-27-1996	Dworak et al.	
	AC1	US-5,743,069	04-28-1998	Ansaloni	
	AD1	US-5,775,389	07-07-1998	Griffin	
	AE1	US-5,787,881	08-04-1998	Chawla	
	AF1	US-5,809,744	09-22-1998	Villines et al.	
	AG1	US-5,826,633	10-27-1998	Parks, et al.	
	AH1	US-5,855,233	01-05-1999	Bolelli	
	AI1	US-6,267,155-B1	07-31-2001	Parks et al.	
	AJ1	US-6,341,472-B1	01-29-2002	Schroeder	
	AK1	US-6,581,650-B2	06-24-2003	Parks et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
	BA	GB-1,420,364	01-07-1976	Perry Industries, Inc.	
	BB	WO-95/11658	05-04-1995	Greeve	
	BC	WO-97/41031	11-06-1997	Inhalation Therapeutic Systems	

Examiner Signature		Date Considered	
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				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	000166.0096-US02

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ⁶	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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